

SUBJECT: Allowing prohibitions of fireworks in unincorporated areas of counties

COMMITTEE: County Affairs — favorable, without amendment

VOTE: 7 ayes — Springer, Biedermann, Hunter, Neave, Roberts, Thierry, Uresti

1 nay — Stickland

1 absent — Coleman

WITNESSES: For — Robert Wilburn, Champions Creek HOA; P.T. (Pat) Calhoun, Goliad County; Laurie Christensen, Harris County Fire Marshal's Office; John Zitzmann, Office of Constable Mark Herman, Harris County Pct. 4; Donald Lee, Texas Conference of Urban Counties; (*Registered, but did not testify*: T.J. Patterson, City of Fort Worth; David Dillard, Concho County; Jim Allison, County Judges and Commissioners Association of Texas; Melissa Shannon, County of Bexar Commissioners Court; Jim Short and Donna Warndorf, Harris County; David Riddle, Harris County Pct. 4 Commissioner R. Jack Cagle; Casey Haney, State Firefighters' and Fire Marshals' Association; Mark Mendez, Tarrant County; Rick Thompson, Texas Association of Counties; Jim Reaves, Texas Farm Bureau; Ariana Hargrove, Texas Fire Marshal's Association; Joseph Green, Travis County Commissioners Court; Woodrow Gossom, Wichita County)

Against — Eric Glenn, Texas Pyrotechnic Association; (*Registered, but did not testify*: Chester Davis and Carl Isett, Texas Pyrotechnic Association; Ramiro Gonzalez, Jr.)

DIGEST: HB 1183 would allow a county commissioners court to prohibit the use of fireworks in unincorporated areas of a county during certain hours. An order could include exemptions for holidays, including New Year's Eve and July 4, and a process for a person to apply for a permit to use fireworks during an otherwise prohibited period.

A violation of a fireworks prohibition would be punishable by a class C

misdemeanor (maximum fine of \$500).

The bill would take effect immediately if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2017.

**SUPPORTERS
SAY:**

HB 1183 would give reasonable local control to county governments that are best positioned to regulate fireworks in unincorporated areas. The bill would address unregulated fireworks use that often infringes on the quality of life of others, while allowing local authorities to make exceptions for their use on special occasions.

**OPPONENTS
SAY:**

HB 1183 would give commissioners courts unnecessary regulatory power over individuals living in unincorporated areas of a county, many of whom elect to live in rural areas to avoid government regulation.